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DEC 04 2008

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 102

Claims 4, 6, 9 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0012714 ("the Kawai publication"). Since claim 4, 6, 9 and 10 have been canceled, this ground of rejection is rendered moot with respect to these claims.

**Allowable Subject Matter**

Claims 1 and 2 are allowed. Please note that claims 1 and 2 have been amended to correct a typographical error (replacing "period" with "periodic"). Furthermore, claim 1 has been amended to clarify that the control circuit changes a frequency of the periodic drive signal so as to cause the optical element to be vibrated at a plurality of frequencies that are close to at least two resonance frequencies different in order and successively applied. No new matter has been added. This amendment is supported by original claim 1.

**New Claims**

New claim 13 has been added which depends from allowable claim 1. New claim 13 is supported by page 23, lines 7-21 of the specification.

New independent claim 14 has been added and is supported by allowed claim 1 and page 21, lines 6-12 of the specification.

**Conclusion**

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.


Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim

amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of,*** the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

December 4, 2008

  
Leonard P. Linardakis, Attorney  
Reg. No. 60,441  
Tel.: (732) 936-1400